

REMARKS

The above preliminary amendments and following remarks are responsive to the points raised in the December 10, 2003 final Office Action. Upon entry of the above amendments, Claims 14 and 17-19 will have been amended, Claims 15 and 16 will have been canceled, and new Claims 23-26 will have been added. Claims 14 and 17-26 will be pending. No new matter has been introduced. Entry, reconsideration, and continued examination are respectfully requested.

Response to rejection under 35 U.S.C. § 102(b)

Claims 14-17 and 22 have been rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication JP 4-49872 (JP'872). Applicants respectfully traverse this rejection.

Independent Claim 14 has been amended to recite a vibration type driving apparatus having a vibration member and a contacting member moveable relative to one another, and a friction member provided on the contacting portion of at least one of the vibration member and the contacting member wherein:

“the friction member is formed of a resin composition containing mesophase pitch based carbon fiber and at least one of fluororesin, polyimide resin, alkyd resin, polyester resin, acryl resin, amino resin, polyamide resin, epoxy resin, phenol resin, urea resin, polyurethane resin, polyamide imide resin, polyether imide resin and silicone resin.”

Applicants submit that the above-identified claimed vibration type driving apparatus, and in particular, the friction member formed of a resin composition containing mesophase pitch based carbon fiber and at least one of fluororesin, polyimide resin, alkyd resin, polyester resin, acryl

resin, amino resin, polyamide resin, epoxy resin, phenol resin, urea resin, polyurethane resin, polyamide imide resin, polyether imide resin and silicone resin, is not taught or suggested by the JP'872 reference.

The JP'872 reference discloses an ultrasonic wave motor including a moving body 24 "formed with a carbon fiber reinforced resin complex." No where is it seen where the JP'872 reference discloses that the so-called "carbon fiber reinforced resin complex" contains mesophase pitch based carbon fiber and at least one of fluoro resin, polyimide resin, alkyd resin, polyester resin, acryl resin, amino resin, polyamide resin, epoxy resin, phenol resin, urea resin, polyurethane resin, polyamide imide resin, polyether imide resin and silicone resin. Although the Examiner urges that the JP'872 reference "meets all of the limitations of the claimed invention" including a mesophased pitch carbon fiber in the body of the rejection, the Examiner acknowledges the disclosure failures of the JP'872 reference in his contradictory statement, in Item 6, *Response to Arguments*, the paragraph bridging Pages 4 and 5, that it is:

"the examiner's position is that the resin composition of 'carbon fiber reinforced resin complex' is equivalent to the resin composition of 'heat-resistant resin and mesophased pitched carbon fiber.'"

Applicants respectfully submits that "equivalent" is not anticipation.

In view of the above amendments and discussion, the vibration type driving apparatus recited in Applicants' Claim 14 is distinguished over the JP'872 reference. Dependent Claims 17 and 22, as well as dependent Claims 18-23, are likewise distinguished over JP'872 for at least the same reasons as Claim 14. Newly added Claims 24 and 25 recite a resin composition corresponding to the resin composition recited in amended Claim 14 and 17, respectively, that is

distinguished over the disclosure of the JP'872 reference. The subject matter of newly added Claims 23 and 26, which are also distinguished over the JP'872 reference disclosure, is supported in the original disclosure on at least Page 23, lines 16-21. Accordingly, the rejection under 35 U.S.C. § 102(b) should be withdrawn.

Response to rejection under 35 U.S.C. § 103(a)

Claims 18-21 have been rejected under 35 U.S.C. 103(a) as being obvious over the JP'872 reference in view of Tamai et al. ((Tamai) US Patent 5,380,805). Applicants respectfully traverse this rejection.

For at least the reasons discussed above in regard to Claim 14, Claims 18-21, which depend from Claim 14, are distinguished from the JP'872 reference. Tamai advances no teaching, suggestion, or motivation that would lead one of ordinary skill in the art to form the moving body 24 of the JP'872 reference from of a resin composition containing mesophase pitch based carbon fiber and at least one of fluororesin, polyimide resin, alkyd resin, polyester resin, acryl resin, amino resin, polyamide resin, epoxy resin, phenol resin, urea resin, polyurethane resin, polyamide imide resin, polyether imide resin and silicone resin. Accordingly, the rejection under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

Applicant respectfully submits that Claims 14, and 17-26 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATIONS

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4475US1.

Respectfully submitted,
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